

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAFIC SAADEH,

Plaintiff,

20 Civ. No. 1945 (PAE)(SN)

-against-

ORDER

MICHAEL KAGAN, JOSHUA KAGAN and THE
ESTATE OF IRVING KAGAN (by Its
Administrator, Michael Kagan),

Defendants.

WHEREAS by Order dated December 19, 2023 (Dkt. 333), this Court addressed the funds presently being held in escrow in accordance with this Court's Order dated March 3, 2022 (see Dkts. 187, 190), in connection with defendant the Estate of Irving Kagan (the "Estate"), including £38,522 — corresponding to \$48,795.24 as of the currency conversion rate in effect as of the date of the filing of this order, with precise amount in U.S. dollars to be determined as of the currency conversion rate in effect as of the date the funds are transferred — held by the United Kingdom law firm (Griffin Law) that conducted litigation initiated by Irving Kagan the settlement of which resulted in the receipt of funds by the Estate, and \$48,362.36 held by the law firm representing defendant Joshua Kagan (Condon & Forsyth, LLP), to whom the Estate had initially caused those funds to be disbursed (collectively, the "funds"); now it is hereby

ORDERED that the above-specified funds presently being held in escrow be transferred to the Clerk of this Court. The funds will be held by the Clerk of the Court to be held, pursuant to this Court's supervision of this litigation, in recognition of the possibility that some or all of these

funds will be found to belong to the Estate, a judgment debtor in this case. The funds will be held pending further Order of this Court. Upon an appropriate order from the Surrogate's Court of the State of New York, New York County, where the Estate is being administered, the Court will transfer these funds to the registry of that Court or as otherwise provided for by a final, non-appealable order of that Court. For avoidance of doubt, the Court, in ordering the transfer of the funds here, otherwise maintains the stay on the disposition of these funds. The Court directs that the funds at issue be transferred to the Clerk of this Court. The Court expects that this will be accomplished (1) as to the above-specified funds held by Griffin Law, by Michael Kagan, who is to furnish this Order to Griffin Law; and (2) as to the above-specified funds held by Condon & Forsyth, by counsel at that firm representing Joshua Kagan. This transfer shall be effectuated in accordance with Local Civil Rule 67.1 governing the issuance of orders for deposit of funds in interest-bearing accounts with the Court and shall be deposited into a CRIS account.

Dated: January 17, 2024
New York, NY


Paul A. Engelmayer, U.S.D.J.